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U. S. DEPARTMENT OF AGRICULTURE

FDO 73

AUGUST 6, 1943

WAR FOOD ADMINISTRATION

[FDO 73]

PART 1405—FRUITS AND VEGETABLES

FREESTONE PEACHES GROWN IN THE STATE OF CALIFORNIA

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of freestone peaches produced in the State of California, for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.20 *Restrictions relative to the shipment of freestone peaches—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "freestone peaches" means all fresh freestone peaches grown in the State of California, except the Elberta, J. H. Hale, and Rio Oso Gem varieties.

(2) The term "person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not.

(3) The term "ship" means to convey fresh freestone peaches, or cause fresh freestone peaches to be conveyed, by railroad, truck, boat, or any other means whatsoever.

(4) The term "Director" means the Director of Food Distribution, War Food Administration.

(b) *Restrictions.* (1) No person (other than a carrier of peaches for another person) may ship any freestone peaches from a point within the State of California to a point without the State of California.

(2) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh freestone peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in freestone peaches as defined herein.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Regional Director, War Food Administration, serving the area (8 F.R. 9315) in which the peaches, subject to the restrictions hereof, are located. Petition for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he

deems appropriate, and such action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using freestone peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Food Distribution Administration, War Food Administration, P. O. Box 230, Sacramento 1, California. Ref. FD-73.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., August 7, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 6th day of August 1943.

MARVIN JONES,
War Food Administrator.

Press Release, Immediate:
Friday, August 6, 1943.

Under an order issued by the War Food Administration, interstate shipments of some varieties of California freestone peaches are being stopped to permit driers and processors to buy sufficient quantities of this year's crop to meet military and civilian require-

ments for dried peaches. The restriction is effective August 7.

In view of the demand for fresh fruit, WFA officials stated that this action is necessary to keep an undue amount of the 1943 crop from being diverted into fresh market channels.

Local offices of the Food Distribution Administration at San Francisco and Sacramento, California, will administer

the new regulations which are contained in Food Distribution Order 73 issued today.

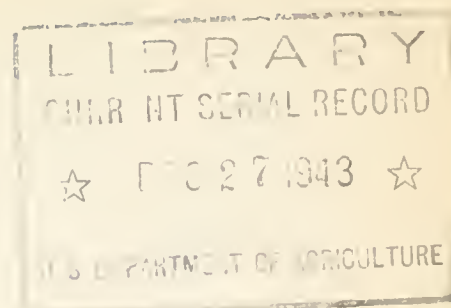
The order covers all freestone peaches produced in California except Elberta, J. H. Hale and Rio Oso Gem varieties which are specifically excluded by the order. Interstate shipments of California clingstone varieties of peaches have been prohibited since July 16.

WAR FOOD ADMINISTRATION
Food Distribution Administration
Washington 25, D. C.

CORRECTION NOTICE - FDO 73 Termination

In printing Food Distribution Order No. 73 Termination the following error occurred:

In paragraph three the word "power" erroneously appeared. This should be "proper" so that the phrase reads;
"for the purpose of sustaining any proper suit, action, or other proceeding ..."



WAR FOOD ADMINISTRATION

[FDO 73, Termination]

PART 1405—FRUITS AND VEGETABLES

SHIPMENT OF FREESTONE PEACHES GROWN IN
THE STATE OF CALIFORNIA

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, as further amended by Executive Order No. 9392, dated Octo-

ber 28, 1943, it is hereby ordered as follows:

That Food Distribution Order No. 73, issued by the War Food Administrator, on August 6, 1943 (8 F.R. 10967), relating to the shipment of freestone peaches grown in the State of California, be, and the same is hereby, terminated at 12:01 a. m., P. w. t., December 15, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 73, prior to the effective time of this order, all provisions of said Food Dis-

tribution Order No. 73 in effect prior to this order shall be deemed in full force and effect for the purpose of sustaining any ~~power~~ suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423, E.O. 9392, 8 F.R. 14783)

Issued this 13th day of December 1943.

WILSON COWEN,
Assistant War Food Administrator.

War Food Administration,
Summary of Termination to FDO 73.

Food Distribution Order 73, which restricts the interstate shipment from California of all but three varieties of freestone peaches, will be terminated December 15, 1943. The order, in effect since August 7, 1943, exempts from its restrictions Elberta, J. H. Hale, and Rio Oso Gem varieties produced in California.

